



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

NUMBER: 28979N    DATE: January 2, 2007  
RESPONSE REQUIRED BY: February 2, 2007

PROJECT MANAGER: Katerina Galacatos

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**1. INTRODUCTION:** Mr. Marv DeAngelis, of, 3210-D Coffey Lane, Santa Rosa CA 95401, through his agent, Mr. Laurence P. Stromberg (415-721-0700) has applied for a U.S. Army, Corps of Engineers (Corps) permit to place fill into 0.92 acres of waters the United States. The purpose of this permit is to construct the Courtney Estates residential development in Santa Rosa, Sonoma County, California (Figure 1). This permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. § 1344). Section 404 regulates the discharge of dredged and fill material below the plane of ordinary high water in non-tidal waters of the United States and within the lateral extent of wetlands adjacent to these waters.

The proposed project and mitigation sites are located on the west side of Fulton Road between Guerneville and Piner Roads, Santa Rosa, Sonoma County, California (APN's 157-020-008 and 157-020-003) (Figure 2). Mr. DeAngelis is proposing to construct the Courtney Estates residential development on the eastern 8.60 acres of parcel 157-020-008 and mitigate for impacts to jurisdictional wetlands by establishing the 21.40 acre DeAngelis Preserve located on the western 16.02 acres of parcel 157-020-008 and all 5.38 acres of parcel 157-020-003 (Figure 3).

## 2. PROPOSED PROJECT:

**Project Site:** The project site is currently undeveloped and vacant. Farming and rural residences have been the historic land uses for the project site. No structures are currently present on

the property, however, residential developments occur to the northeast, east and the south.

In accordance with our regulations, the site was delineated using the Corps Wetland Delineation Manual (Corps, 1987). The Corps verified the applicant's delineation, prepared by Laurence P. Stromberg, on 24 March 2005. The project site has 0.92 acres of jurisdictional wetlands and a 0.0025 acre (108 square feet) drainage (Figure 4). The drainage ditch is three feet wide and parallels the southern property boundary as it carries runoff from approximately a third of the project site to the existing storm drain in Country Manor Drive.

The wetlands include three swales that cross the project site diagonally, northeast to southwest. These swales vary in width from five to more than ninety feet. The shallower wetland areas are dominated by Italian ryegrass (*Lolium perenne*), Mediterranean barley (*Hordeum hystrix*), Douglas meadowfoam (*Limnanthes douglasii*), fescue (*Vulpia myuros*), and Curly dock (*Rumex crispus*). The deeper wetland areas contain native smooth goldfields (*Lasthenia glaberrima*), Douglas' meadowfoam (*Limnanthes douglasii*), and California semaphore grass (*Pleuropogon californicus*). These species are characteristic of vernal pools in the Santa Rosa Plain and often exceeded fifty percent of the plant cover in the deeper wetland areas. Therefore, these deeper wetland areas could potentially provide suitable habitat for the federally listed endangered Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*) and Burke's goldfields (*Lasthenia burkei*).

Botanical surveys were conducted by Laurence Stromberg in the spring of 2003 and 2004. These surveys did not locate any of the federally listed plant species on the project site.

The upland grassland cover is dominated by wild oats (*Avena fatua* and *A. barbata*), mustards (primarily *Brassica rapa*), wild radish (*Raphanus sativus*), field bindweed (*Convolvulus arvensis*), vetch (*Vicia sativa* and *V. benhalensis*), Italian rye grass (*Lolium perenne*), bristly oxtongue (*Picris echinoides*), and fiddle dock (*Rumex pulcher*).

**Project Description:** The applicant proposes to construct 45 single-family homes and four duplexes on lots ranging in size from approximately 3,800 square feet to 9,700 square feet (Figure 5). Access to the residential development will include an extension of Country Manor Drive along the western side of the project site and Dakota, Janine, and Alegria Streets to the north. There will be no direct access to Fulton Road and the development entry will occur on the east side of Country Manor Drive.

**Purpose and Need:** The applicant states that the basic purpose of this project is to provide residential housing, a non-water dependent activity. The overall project purpose is to develop medium density residential units consistent with the City of Santa Rosa's General Plan.

**Impact:** Development of the proposed Courtney Estates residential development project would result in the permanent filling of all 0.92 acres of jurisdictional wetlands and 0.0025 acres of jurisdictional drainage.

In addition, the project site is located within the Alton Conservation Area of the Draft Santa Rosa Plain Conservation Strategy (December 2005). The proposed project would impact 8.6 acres of California tiger salamander habitat. No adult-juvenile and larval California tiger salamander

surveys have been conducted for the project or mitigation sites. The applicant is proposing to mitigate for impact to California tiger salamander habitat at a 2:1 ratio through the establishment of the DeAngelis Preserve.

**Proposed Mitigation:** The wetland impacts for Courtney Estates would occur concurrently to the mitigation, therefore, the applicant is proposing to mitigate at a 1.5:1 mitigation ratio. The Corps verified the applicant's delineation, prepared by Laurence P. Stromberg, on 24 March 2005. The DeAngelis Preserve project site has 4.98 acres of wetland and an unnamed flood control channel transects the mitigation site from north to the south western corner (Figure 6).

The mitigation site has only been used for agricultural land uses in the past and there are no structures on the property. Previous discing appears to have had little impact on the original mound-swale depression microtopography. The swales in the eastern portion of the mitigation site are dominated by native vernal pools including California semaphore grass (*Pleuropogon californicus*), Douglas' meadowfoam (*Limnanthes douglasii*), coyote thistle (*Eryngium aristulatum* and *E. armatum*), spike rush (*Eleocharis macrostachya*), brown-headed rush (*Juncus phaeocephalus*), slender rush (*J. bufonius*), curly dock (*Rumex crispus*), California oatgrass (*Danthonia californicus*), smooth goldfields (*Lasthenia glaberrima*), fringed downingia (*Downingia concolor*), popcorn flower (*Plagiobothrys bracteatus* and *P. stipitatus*) and Lobb's aquatic buttercup (*Ranunculus lobbii*).

In addition, the federally listed Sonoma sunshine, (*Blennosperma bakeri*) is present and locally dominant. The Inventory of Rare Plant Locations and Sites Surveyed for Wetland Resources on the Santa Rosa Plain, Sonoma County (1994) documented extant populations of Sonoma sunshine (*Blennosperma bakeri*) on the mitigation site during 1988, 1989, 1990 and 1992. Special-status plant

surveys were conducted by Larry Stromberg during the spring of 2003 and 2004. Large colonies of Sonoma sunshine were found in the vernal pools east of the flood control channel and in one vernal pool and one swale segment west of the flood control channel (Figure 7). The colonies range in size from small (i.e. 10 plants) to large (i.e. 16,000-20,000 plants). Approximately 4.11 acres are considered to be potentially suitable and occupied by Sonoma sunshine. The estimated number of Sonoma sunshine plants is between 24,395 - 33,210.

The upland areas are dominated by similar species as the project site: wild oats (*Avena fatua* and *A. barbata*), mustards (primarily *Brassica rapa*), wild radish (*Raphanus sativus*), field bindweed (*Convolvulus arvensis*), vetch (*Vicia sativa* and *V. benhalensis*), rye grass (*Lolium perenne*), bristly oxtongue (*Picris echioides*), and fiddle dock (*Rumex pulcher*).

Mr. Marv DeAngelis is proposing the following mitigation at the proposed DeAngelis Preserve: 1) creation of 1.34 acres of wetlands; 2) preservation of existing 3.88 acres of Sonoma sunshine; and 3) preservation of 17.2 acres of California tiger salamander habitat (Figure 8). The applicant proposes that after mitigation requirements for the Courtney Estates residential development have been met any remaining DeAngelis Preserve wetland creation be available for one additional project.

### **3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will

describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the United States Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS), if a Corps permitted project may adversely affect any federally listed threatened or endangered species or its designated critical habitat.

On January 30, 2006, the Corps initiated consultation with the U.S. Fish and Wildlife Service concerning the federally listed California tiger salamander (*Ambystoma californiense*), many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*), Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vincularis*) and Burke's goldfields (*Lasthenia burkei*). The U.S. Fish and Wildlife Service has not issued a Biological Opinion for this project.

**Magnuson-Stevens Fisheries Conservation and Management Act:** NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. No specific EFH concerns associated with this proposal have been identified.

### **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water

quality certification to the North Coast Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403 by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland dependent. The applicant has submitted an Analysis of Alternatives, which is available for review at the Corps's office in San Francisco.

**National Historic Preservation Act of 1966 (NHPA):** A survey of historic and cultural resources was conducted in 2004 by Archaeological Resources Technology. The proposed project site does not contain any historic property listed or eligible for listing in the National Register of Historic Places.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably

may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, federal, state and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to

forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Katerina Galacatos of our office at 415-977-8440 or Katerina.Galacatos@spd02.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.